

**UNITED STATES BANKRUPTCY COURT
Middle District of Florida
Orlando Division**

IN RE:

Case No: 6:19-bk-01959-LVV

JEFFREY WAYNE SMITH

Debtor /

Chapter 13

Motion to Dismiss for Failure to Maintain Timely Plan Payments

Total Due \$3,884.00

Notice of Opportunity to Object and Request for Hearing

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within twenty-one (21) days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail. You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Bankruptcy Court at 400 W. Washington Street, Suite 5100, Orlando, Florida 32801, and serve a copy of the same on the Chapter 13 Trustee, Laurie K. Weatherford, Post Office Box 3450, Winter Park, Florida 32790 and any other appropriate persons within the time frame allowed. If you file and serve an objection within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file an objection within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing and may grant the relief requested.

COMES NOW Laurie K. Weatherford, Chapter 13 Standing Bankruptcy Trustee for the Middle District of Florida, Orlando Division, and shows:

1. The Debtor filed this Chapter 13 case on 03/27/2019.
2. Pursuant to 11 USC 1322 (a)(1) the Debtor was to file a plan which among other things provides for the submission of all or such portion of future earnings or other income of the Debtor to the supervision

and control of the Trustee as is necessary for the execution of the plan.

3. The Debtor has failed to submit the supervision and control of the Trustee funds necessary for a plan to be successful in this case.
4. That review of the Debtor Report of Receipts and of the Debtor individual payments for this case reflects the Debtor is delinquent in payments under the Chapter 13 Plan in the amount of \$1,473.50 through May 27, 2020 and will be delinquent an additional payment of \$2,410.50 which will come due on May 27, 2020 for a delinquency in the sum of \$3,884.00 . Said total sum includes the next plan payment due under the Chapter 13 Plan which will become due and payable within the time frame allowed by the court for the Debtor to become current in the plan payments. A copy of the Plan Payment Schedule and Trustee's Report of Receipts is attached hereto as **Exhibit "A"**

WHEREFORE, the Trustee moves this honorable court for an order dismissing this case unless the Debtor pays the entire arrearage as listed above the Chapter 13 Trustee on or before **June 17, 2020** by mailing said sum to the payment address at **Post Office Box 1103, Memphis, TN 38101-1103**, and granting such relief as the court may deem appropriate.

Certificate of Service

I HEREBY CERTIFY, that a true and correct copy of the foregoing was served upon the parties listed below by first-class U.S. Mail, postage prepaid or by Electronic Notification through the Court's ECF System at the e-mail address registered with the Court, on this 27th day of May, 2020.

Debtor - Jeffrey Wayne Smith, 277 Saybrook Rd Sw, Palm Bay, FL 32908

Attorney - Erik J Washington, The Washington Law Firm, Po Box 536086, Orlando, FL 32853

BY: /S/ LAURIE K. WEATHERFORD

Chapter 13 Trustee
Stuart Ferderer
FL Bar No. 0746967
Ana DeVilliers
FL Bar No. 0123201
Attorney for Trustee
PO Box 3450
Winter Park, FL 32790
Telephone: 407-648-8841
Facsimile: 407-648-2665
E-mail: info@c13orl.com

Exhibit "A"**Plan Payment Schedule**

Period	Date (Month/Year)	Payment Due	Payment Received	Amount Due
1	04/2019	\$1,421.00	\$1,421.00	\$0.00
2	05/2019	\$1,421.00	\$1,421.00	\$0.00
3	06/2019	\$1,421.00	\$1,421.00	\$0.00
4	07/2019	\$1,421.00	\$1,421.00	\$0.00
5	08/2019	\$1,421.00	\$1,421.00	\$0.00
6	09/2019	\$1,421.00	\$0.00	\$1,421.00
7	10/2019	\$1,421.00	\$2,842.00	\$0.00
8	11/2019	\$1,421.00	\$0.00	\$1,421.00
9	12/2019	\$1,905.00	\$2,842.00	\$484.00
10	01/2020	\$1,905.00	\$2,389.00	\$0.00
11	02/2020	\$1,905.00	\$1,905.00	\$0.00
12	03/2020	\$1,905.00	\$0.00	\$1,905.00
13	04/2020	\$2,410.50	\$2,842.00	\$1,473.50
14	05/2020	\$2,410.50	\$0.00	\$3,884.00

Report of Receipts

Receipt Date	Source	Amount	Receipt Date	Source	Amount
04/29/2019	4072	\$1,421.00			
05/28/2019		\$1,421.00			
06/20/2019		\$1,421.00			
07/30/2019		\$1,421.00			
08/29/2019		\$1,421.00			
10/01/2019		\$1,421.00			
10/24/2019		\$1,421.00			
12/02/2019		\$1,421.00			
12/31/2019		\$1,421.00			
01/03/2020		\$484.00			
01/29/2020		\$1,905.00			
02/26/2020		\$1,905.00			
04/01/2020		\$1,421.00			
04/30/2020		\$1,421.00			